THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P.No.10692 of 2007

Dated:23-05-2007

Between:-

P. Devender and another.

..Petitioners

And

Government of Andhra Pradesh, rep., by
Secretary, Municipal Administration Department,
Secretariat, Hyderabad and two others.

..Respondents.

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P.No. 10692 of 2007

:O R D E R:

This writ petition has been filed seeking *Writ of Mandamus* to declare the notice dated 22-03-2007 issued to the 1st petitioner by the 3rd respondent and also orally asking the petitioners on 17-05-2007 to accept the cheque and to surrender the property bearing H.No. 8-2-240 and 8-2-241 situated at Panjagutta, Hyderabad by 24-05-2007 as illegal and void and restrain the respondents from demolishing the petitioners' premises as mentioned above without following the due process of law.

Learned counsel for the petitioners as well as learned standing counsel submitted that the issued raised in this writ petition is squarely covered by the order of a learned Division Bench of this Court in W.P.No. 21198 of 1997 dated 03-02-1998.

The Division Bench of this Court disposed of W.P.No. 21198 of 1997 dated 03-02-1998 with the following directions.

1. Whether a property is required for public purpose

viz., widening of roads or for any other purpose, the authorities straight away cannot take law into their hands and jump into the premises, dispossess or evict the occupants or demolish the property.

2. If the authorities concerned want to take action for eviction/dispossession of the occupants or demolition, they shall issue sixty (60) days prior notice notifying as to the nature of the property to which it belongs and the proposed action calling for explanation/objections, if any from the occupants. On receipt of such objections, if there is any objection as to the ownership of the property, the authorities should determine the extent of encroachment or unauthorized occupation and also determine whether the property in question belongs to Government, any other local self Government or authority or the occupants and pass appropriate orders within three months from the date of receipt of the objections, after affording an opportunity of being heard to the occupants.

3. In case where demolition of private property has already been made, the authorities shall determine the damages on the basis of the assessment to be made by the Engineer of the Roads and Buildings Department and disburse the amount of damages quantified forthwith.

4. If the demolition is in respect of local bodies/Government property, the question of damages does not arise. In such an event, the occupant shall be entitled to remove the material used for the construction.

5. In case of demolition of private property, the

authorities concerned shall determine the loss caused to the occupants on the basis of the assessment to be made by the Engineer of R & B Department and on such assessment of damages the concerned authorities shall take appropriate steps to disburse the amount quantified forthwith.

6. If there is any claim for grant/assessment of the property, the concerned authorities shall consider the same in accordance with law taking into consideration the eligibility and entitlement of occupants, after making enquiry and till such claim is decided, there shall be *status quo* obtaining as on today regarding the structures.

Following the said judgment, this writ petition is also disposed of in terms of and in accordance with the aforesaid judgment. No order as to costs.

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G. CHANDRAIAH, J

Dated: 23-05-2007.
Pvks/*

Nb:- Furnish c.c. tomorrow.
B/o pvks